

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CHARLENE LIBERTY, JOHN DAPONTE,  
JOHN DAVIS, DUANE GOMES, ADAM  
HANRAHAN and CHARLES KENNER,  
on behalf of themselves and all others  
similarly situated; and  
DISABILITY RIGHTS RHODE ISLAND,  
on behalf of its constituents,

*Plaintiffs,*

v.

C.A. No. 19-cv-0573-JJM-PAS

RHODE ISLAND DEPARTMENT OF  
CORRECTIONS; PATRICIA COYNE-  
FAGUE in her official capacity as the  
Director of the Rhode Island Department of  
Corrections; MATTHEW KETTLE,  
Official Capacity as the Assistant Director of  
Institutions and Operations; and BARRY  
WEINER in his Official Capacity as the  
Assistant Director of Rehabilitation Services

*Defendants.*

**DECLARATION OF RUI DINIZ**

1. I am the Assistant Director of Institutions and Operations at the Rhode Island Department of Corrections, a position which I have held since August of 2020. I have personal knowledge of all matters contained in this declaration.
2. I have been employed by the RIDOC for thirty-one (31) years and prior to my position as Assistant Director of Institutions and Operations, I have held positions as Correctional Officer, Correctional Officer Lieutenant, Correctional Officer Captain, Deputy Warden and Deputy Assistant Director of Adult Institutions/Warden.
3. As Assistant Director of Institutions as Operations I am responsible for all aspects of the State's correctional institutions and operations, maintenance and food services including development and formulation of institutional policies and procedures. I am also responsible for assuring security throughout the institutions and to constantly evaluate and re-evaluate the inmate population as to security risks.

4. The RIDOC is a unified correctional system and is comprised of six (6) individual Adult Correctional Institution buildings.
  - a. The Anthony P. Travisono Intake Service Center is a High/Max security facility that serves as Rhode Island's jail for male offenders. The majority of inmates housed at the Intake Service Center are awaiting trial detainees; newly sentenced inmates who are awaiting classification; and sentenced protective custody inmates. There are approximately 780 inmates presently and this number fluctuates daily. There are 16 Modules of various sizes containing 560 cells, 4 Isolation Cells, 4, Psych cells and 2 – 20 bed hospital wards for a total operational capacity of 1120 inmates. The facility is staffed by Correctional Officers on 4 shifts:
    - 11-7 Shift with 21 Officers and 2 Supervisors
    - 7-3 Shift with 66 Officers and 7 Supervisors
    - 1-9 Shift with 8 Officers
    - 3-11 Shift with 54 Officers and 5 Supervisors

These staffing numbers also fluctuate daily based on additional posts for added details and more often due to staff shortages.

- b. The John J. Moran Medium Security facility houses sentenced adult male inmates that are classified as medium custody. The facility has several industries opportunities including a garment and furniture/upholstery shop, a license plate shop, carpentry and auto body shops. There are presently approximately 753 inmates at Medium Security. There are 12 Modules containing 646 cells, 24 cell Disciplinary Confinement Unit, 4 Isolation Cells and a 6 bed hospital ward for a total operational capacity of 1126 inmates. The facility is staffed by Correctional Officers on 4 shifts:
    - 11-7 Shift with 17 Officers and 1 Supervisors
    - 7-3 Shift with 79 Officers and 7 Supervisors
    - 1-9 Shift with 8 Officers
    - 3-11 Shift with 54 Officers and 5 Supervisors

These staffing numbers fluctuate daily based on additional posts for added details and more often due to staff shortages.

- c. The Maximum Security facility houses inmates serving long sentences for a variety of offenses and inmates serving shorter sentences who have been transferred from other facilities related to serious discipline and/or behavioral problems. There are approximately 296 inmates housed at Maximum Security presently. There are 10 Cell Blocks containing 453 cells for a total operational capacity of 422 inmates. The facility is staffed by Correctional Officers on 4 shifts:
    - 11-7 Shift with 12 Officers and 1 Supervisors
    - 7-3 Shift with 49 Officers and 5 Supervisors
    - 1-9 Shift with 18 Officers and 1 Supervisor
    - 3-11 Shift with 18 Officers and 3 Supervisors

These staffing numbers fluctuate daily based on additional posts for added details and more often due to staff shortages.

d. The High Security Center houses inmates requiring close custody and control. The facility also contains a Rehabilitation Treatment Unit (RTU) which provides programming, treatment and structure as an alternative to more restrictive housing units. There are presently approximately 77 inmates at High Security. There are 6 Modules containing 96 cells, and 4 Isolation cells for a total operational capacity of 96 inmates. The facility is staffed by Correctional Officers on 3 shifts:

- 11-7 Shift with 12 Officers and 1 Supervisors
- 7-3 Shift with 26 Officers and 4 Supervisors
- 3-11 Shift with 18 Officers and 2 Supervisors

These staffing numbers fluctuate daily based on additional posts for added details and more often due to staff shortages.

e. The Gloria McDonald Women's Facility houses both awaiting trial female offenders and three classification levels (minimum, medium and high) of female inmates. There are approximately 92 inmates at the Women's Facility. There are 4 Wings with containing 187 beds, 36 bed Disciplinary Confinement Unit, 4 bed hospital ward for a total operational capacity of 187 inmates. The facility is staffed by Correctional Officers on 3 shifts:

- 11-7 Shift with 14 Officers and 1 Supervisors
- 7-3 Shift with 28 Officers and 4 Supervisors
- 3-11 Shift with 21 Officers and 3 Supervisors

These staffing numbers fluctuate daily based on additional posts for added details and more often due to staff shortages.

5. All facilities carry unique security concerns related to uncontrolled access to the areas within the buildings.

- a. High Security Level is for inmates requiring close custody and control which requires very close staff interaction and supervision. There are many safety and security concerns with this level of security because of all the different types of population that are housed in the same facility. (Protective Custody, SPMI, Mental Health, Administrative Confinement, Disciplinary Confinement, Transitional Confinement)
- b. Maximum Security Level is for inmates serving long sentences for a variety of offenses, along with inmates serving shorter sentences who have been transferred to MAX from other facilities for serious discipline and/or behavioral problems or enemy issues. There are many safety and security concerns with this level of security because of the nature and severity of the criminal history of the majority of the population housed at this level of custody.
- c. Medium Security Level is for inmates serving shorter sentences or inmates who have completed a major part of their sentence and have been proven to be less dangerous. Inmates who are serving life without parole sentences are not housed at Medium Security unless approved by the Director of Corrections. These inmates are afforded more rehabilitative programs, educational services, and job training in preparation for their release. The staff-to-inmate ratio is based on the level of custody due to the inmates' supervision needs. Therefore, there is a lower

staff-to-inmate ratio at Medium Security than at Maximum Security. This level of custody still requires a moderate level of staff supervision.

6. Control Centers are security sensitive areas that are critical in ensuring the safety and security of inmates and staff in those areas. There are many sensitive security items in our control centers to include keys, emergency keys to respond to other areas during emergencies, OC (Oleoresin Capsicum) canisters and many other security items and controls. Staff in these areas should not be distracted due the highly sensitive duties that they perform.
7. Each facility conducts 6 formal counts (Counts that are conducted at specified times throughout each 24 hour period during which the entire facility is counted simultaneously) to ensure that all inmates are accounted for. Each facility has a strict daily schedule with a requirement of out of cell time. These schedules should not be interrupted unless there is an emergency situation. (fights, assaults, medical emergencies, fire, escape or attempted escape, staff shortages, inmate unrest and many other situations) unexplainable disruptions in scheduling may cause inmate unrest which creates safety concerns for everyone in the facility.
8. The RIDOC policy and procedures concerning the inmate grievance process are contained in policy 13.10-4. Grievances are initially handled at the facility level with appeal processes to the Grievance Coordinator, Billie Jo Gallagher. All grievance documentation is kept in the Administration Building. Grievance files are kept in paper form organized by inmate name.
9. Additionally, the RIDOC implemented a grievance database in 2017 which contains a record of all level 1 and level 2 grievances from 2017 to present. The ability to run reports within this database is limited to specific identified subjects in the database. Mental health and restrictive housing are not identified subjects in the database.
10. Pursuant to policy, health care and decisions made by qualified medical and mental health professionals are considered non-grievable areas of facility life. Inmates are able to and do address these complaints to the Administrator of Health Care Services in accordance with policy 18.11-3.
11. Any and all information related to mental health treatment is overseen by Behavioral Health and are contained in the Electronic Medical Records of inmates. There is no access to the EMR by correctional staff in the facilities.
12. It would be difficult for certain correctional staff in the facilities performing the duties and responsibilities of their jobs to be randomly interrupted for conference and/or questions. It is required that correctional officers stay fully aware of their surroundings and of the inmates in their areas. Correctional Officers who are responsible for monitoring groups of inmates are not able to see everything that happens so they cannot have any distractions that would interfere with monitoring inmate activities. They also have to maintain accountability of which inmates enter and leave the area, ensure that

there are no fights or assaults, ensure that there are no illicit activities, maintain tool and chemicals accountability, and maintain general law & order amongst the inmate population. There are correctional officers who work in control centers. These officers are usually responsible for watching all the activities in their area(s) of responsibility, watching for the safety of the officers who are outside the control center and amongst the inmate population. These officers are usually also responsible for keeping logs of the activities within their area(s) of responsibility, assisting with inmate accountability, communications with other posts as needed, and assisting with the administration of the area(s).

13. Incident Reports and Log Books are legal documents and are considered sensitive items. Therefore, they have to be accounted for and secured so that they do not go missing, are not tampered with, and not destroyed. These documents also contain sensitive information so access to these documents need to be restricted to only those who need the information and controlled access. All original documents are cataloged, boxed and placed in secure storage and require advanced notice to be retrieved, however, the current/active log books are kept in each area.
14. Any inmates who are removed from their cell for interview purposes will be searched in accordance with policy both before and after any out of cell activity, such as a visit.. Before the visit, the inmate is usually thoroughly frisk searched to ensure there are no weapons, illicit items, and items that are not authorized to be brought into the area. After the visit, the inmate is strip searched. In the case of interviews with department members; sporadic frisk searches are conducted both before and after the interview. In very rare cases, there may also be a strip search conducted before or after the interview. At times, there are also sporadic frisk searches when the inmate returns to his housing area.
15. It is imperative for the continued operation within the facilities to have parameters set prior to touring within the facilities. It is impractical and unsafe for the visitors, the staff and the inmates to have a group of 8 to 10 individuals coming through the facilities at random. Depending on what is expected, each facility would likely need to plan usual operations around the visit. Safety of the tour group is imperative; tours have to be scheduled to ensure visitors are not brought into a facility and put in harm's way. Scheduling tours helps to ensure that there is enough staff available to conduct the tour and keep the tour group safe. Individuals on tours have to be screened in advance of the tour to ensure there are no individuals allowed into the facility who have criminal records which would prohibit them access into the facilities. These screenings are also to ensure the safety of the inmate population. Another reason for scheduling tours is so that the tour times do not interfere with required inmate activities and previously scheduled special events such as inmate health fairs, parole boards, GED testing dates, just to name a few.
16. Tours for the families of Correctional Officers take place during 'CO Week' with the goal of showing the families where their loved ones work; the focus of the tour are the officers, not the inmates. Visitors will walk common areas, the yard, visiting rooms and unoccupied living modules. They then return to an area where they are addressed by staff on what their family members experience and the stressful jobs they do. Also, our Peer

Support team will make a brief presentation to family members explaining behavior they should watch out for, which could signal their loved ones may need their assistance. This has not happened during the last two years due to the COVID-19 pandemic.

17. Tours were minimally permitted during the COVID-19 pandemic and there were only one or two during that time which were permitted early in the pandemic. At this time, we are currently back to normal on conducting tours, these tours are very structured and geared to specific requests. Talking to staff or the inmate population is by request and assessed at the time for appropriateness taking into account safety and security. Tours are not intended to place the staff or the innate population on display. We do not discuss or explain in detail our security procedures, we give a very generic explanation of our operations. Records are not available for review on tours of our facilities.

Under 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8<sup>th</sup> day of April, 2022

A handwritten signature in black ink, appearing to read "ZU", is written over a horizontal line.